

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALPHA CELLULAR TELEPHONE COMPANY, A FLORIDA )	
GENERAL PARTNERSHIP, FOR THE ISSUANCE OF A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY FOR THE OPERATION AND CONSTRUCTION )	CASE NO.
OF A CELL SITE SO AS TO ENLARGE THE COVERAGE )	93-027
OF THE KENTUCKY RURAL SERVICE AREA WHICH )	
INCLUDES POWELL, ESTILL, WOLFE, LEE, )	
JACKSON, OWSLEY, BREATHITT, PERRY, KNOTT AND )	
LETCHER COUNTIES IN KENTUCKY )	

O R D E R

On February 12, 1993, Alpha Cellular Telephone Company ("Alpha Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 10 ("RSA No. 10"). RSA No. 10 includes Breathitt, Estill, Jackson, Knott, Lee, Letcher, Owsley, Perry, Powell, and Wolfe counties. Alpha Cellular has requested authorization to construct a cell site in Wolfe County. Alpha Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 10 in Case No. 91-410.<sup>1</sup>

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<sup>1</sup> Case No. 91-410, I. The Application of Metro Mobile CTS of Powell, Inc., a Kentucky Corporation, for Issuance of A Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to The Public in the Kentucky Rural Service Area Which Includes Powell, Estill, Wolfe, Lee, Jackson, Owsley, Breathitt, Perry, Knott, and Letcher Counties in Kentucky, for Approval of Financing, and for Establishment of Initial Rates. II. The Joint Application of Metro Mobile CTS of Powell, Inc. and Alpha Cellular Telephone Company, A Florida General Partnership, For The Transfer of the Assets and Liabilities of Metro Mobile CTS of Powell, Inc. to Alpha Cellular Telephone Company and of Related Financing.

The proposed cell site consists of a 285-foot or less guyed antenna tower to be located approximately 0.5 mile north of Campton, Kentucky ("the Campton cell site"). The coordinates for the Campton cell site are North Latitude 37° 44' 31" by West Longitude 83° 32' 47".

Alpha Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Campton cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Campton cell site's construction is exempt from local zoning ordinances. Alpha Cellular has filed applications with and received approvals from the Federal Communications Commission and the Federal Aviation Administration. Alpha Cellular has filed an application with the Kentucky Airport Zoning Commission ("KAZC") which is still pending.

Alpha Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Campton cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and/or residents of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon

complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Alpha Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including the removal of the unused antenna tower, which should be observed by Alpha Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Alpha Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in RSA No. 10 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

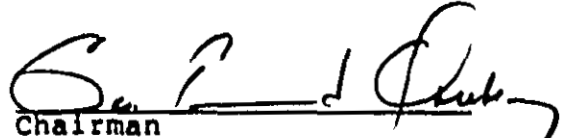
1. Alpha Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site consisting of a 285-foot or less guyed antenna tower to be located approximately 0.5 mile north of Campton, Wolfe County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 44' 31" by West Longitude 83° 32' 47".

2. Alpha Cellular shall file a copy of the final decision regarding its pending KAZC application for the Campton cell site within 10 days of receiving this decision.

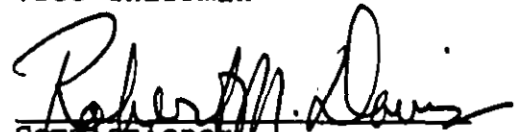
3. Alpha Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 16th day of March, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director